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ABSTRACT

Intended for parents of handicapped students, the guide sets forth New York State policies for special education. The following topics are among those considered: eligibility for special education, program types, alternative placements (such as residential settings), referral, evaluation, individualized education programs, impartial due process hearings, early childhood services, parents' right to challenge educational decisions about their child (including information on hearings and appeals), and planning for the child's future. (CL)

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YOUR CHILD'S RIGHT TO AN EDUCATION

A Guide for Parents of Children with Handicapping Conditions in New York State

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The University of the State of New York
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Introduction

As a parent or legal guardian in New York State, you should know that all children who are educationally handicapped have the right to special education services which are appropriate to their needs. Problems which can get in the way of a child's ability to learn and develop normally are common. They can happen to anyone's child. They may have happened to your child. If you think your child may need special education services or if you know your child needs these services, this guide is for you. It is written to provide you with the information necessary for you to become an active participant in your child's education.

Your local school district is responsible for making certain that appropriate educational services are available to all school-age* children whose families or legal guardians reside in the district. Public schools are not required to educate children below the age of five. However, school personnel must keep a list of all 4 to 21 year old children who have handicapping conditions or are thought to be handicapped, and indicate what services are being provided to them. All school information pertaining to children with handicapping conditions must be kept confidential. This is one of the safeguards of your child's right to a free appropriate public education.

Your district is responsible for educating your child and must notify you and secure your written consent at certain times during your child's education. You have the responsibility and the right to be a part of decisions made about your child's education. Since many educational services exist and many safeguards are in place to protect you and your child, you need to be aware of the laws and regulations so that your child can benefit from available opportunities.

You may be the first one to notice that your child may be having some difficulties. It is up to you to actively seek help for your child. The information in this guide will assist you in locating and deciding what is an appropriate education for your child.

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* School age means the years during which a child is entitled to a free public education. A Board of Education is required to admit a child who becomes five years old by December 1 of that school year. A child who requires special education is entitled to attend school at the expense of the district if the child has not reached the 21st birthday before September 1 and if the child has not earned a high school diploma.

CHILDREN WITH LEARNING DIFFICULTIES

New York State offers a variety of services within the regular education program. These services, available to all school-age children, range from consultation and inservice training for teachers to individualized instruction for students. Special programs, such as Pupils with Special Educational Needs (PSEN) and Title I programs in mathematics and reading, have been developed to serve children in the school district who need additional help. These programs do not require that the child be classified by a Committee on the Handicapped (COH) prior to receiving services. However, there are children who have mental, physical, emotional or other learning difficulties which interfere with their success in regular education even when provided help from PSEN, Title I, or other supportive programs. These children may require specially designed instruction to meet their unique educational needs.

Often professionals use words such as, "handicapped," "emotionally disturbed" or "mentally retarded" to describe these children. In the New York State public school system, words used to classify children who require special education are defined by law. The definitions are used to determine which pupils are eligible for special education and to report to the State and Federal government the number of pupils with handicapping conditions in a school district. It is important to know that no definition is an absolute judgement of a child's strengths or weaknesses. Classifications are based on the results of tests and examinations and the judgements of a variety of individuals.

CHILDREN WITH LEARNING DIFFICULTIES WHO REQUIRE SPECIAL EDUCATION

Your district is required to find all children from 4 to 21 years of age who are educationally handicapped or suspected of being educationally handicapped. There are many ways that school districts can identify children who may need special education. Each district conducts or participates in a screening program to identify children who may possibly have a handicapping condition or may possibly be gifted. Another way the district is able to identify children needing special education is through a census. Your home may be visited by a census taker who will ask for information about children in your household. You may receive brochures or other information from your district asking you to contact the school if you know or suspect that your child may require special education.

When you are contacted by the district, inform them about your child's needs. The information will be held in the strictest confidence. Once information has been obtained, your district will not share it with anyone other than those individuals involved in the education of your child unless you provide written permission. If you know or suspect that your child may require special education and have not been contacted by your district, you should contact them.

Your child between the ages of 5 and 21 must be registered with your local school district to receive educational services. Regardless of the severity of your child's disability, your district cannot refuse to register your child. Call or visit your school and tell the principal that you want to register your child. Bring your child's birth, health and immunization certificates with you. Fill out the registration form. Make certain that you state that you know or think that your child requires special education.

COMMITTEE ON THE HANDICAPPED

As a parent, you need to know about your local Committee on the Handicapped (COH). The main function of the COH is to work with parents in developing recommendations to the Board of Education regarding their child's classification, evaluation, and educational program. Other duties of the COH include:

- Advising the Board of Education on the reevaluation of children with handicapping conditions who have been placed in special education programs,
- Informing the Board of Education about the adequacy of existing special education programs and services; and advising it about unmet needs of children with handicapping conditions in the district,
- Reporting annually to the Board the status of children with handicapping conditions and all children thought to be handicapped,
- Maintaining and updating the list of all children in the district from 4 to 21 years of age who have handicapping conditions or are thought to be handicapped,
- Notifying parents of their rights and of their opportunities to be actively involved in their child's education.

Each school district's Board is required to establish a COH and to appoint members to this Committee. The membership of the Committee must include the following people: a school psychologist, a teacher or administrator of special education, a physician, a parent of a handicapped child who lives in the district, but is not employed by or under contract with the district, and any others appointed by the Board of Education. Every COH meeting must be attended by the following members: teacher or administrator of special education, psychologist and parent. The physician member is required to attend meetings only when a request is made by the COH chairperson in writing at least 72 hours prior to the meeting. The procedure your school district has established for you to request the physician's attendance is outlined in the notice you will receive.

You, or any member of the Committee, may request the attendance of the physician member and/or any others. When you attend a Committee meeting you may be accompanied by a friend, relative or any other person(s) of your choice. As a parent, you should feel free to contact the COH by telephone, letter or in person to clarify any information. The names of COH members are available from the Board of Education or from the school Superintendent.

CHILDREN WHO ARE ELIGIBLE FOR SPECIAL EDUCATION

As a parent you will want to know about the classifications used to describe children who require special education so that you can communicate with the professionals in your school district. It is important to remember that these classifications are only used to determine which children are eligible for special education and to report to the Federal government the numbers of children with handicapping conditions in New York State. The classifications do not limit the types or amount of special education services that can be provided to children.

The legal definitions for classifications of handicapping conditions are contained in the Regulations of the Commissioner of Education Part 200.1. The following discussion is provided as a general description of classifications.

If you are told that your child is AUTISTIC, it means that your child may have a great deal of difficulty in responding appropriately to adults and other children. Your child may use toys and objects in ways for which they were not intended. Your child may also demonstrate abnormal responses to sensations (sight, hearing, touch), and may have speech and language skills which you would expect of a much younger child. Although autism occurs in children of all levels of intelligence, its signs can usually be observed before two and one half years of age.

A child who is identified as EMOTIONALLY DISTURBED displays specific behaviors over a long period of time and to such a degree that the child is unable to do well in school. The reason the child is not doing well in school cannot always be explained by intellectual, sensory or health factors. The child may be unable to build or maintain satisfactory relationships with peers and teachers. It may be that the child is generally unhappy or develops physical symptoms or fears associated with personal or school problems. There is no easy way to know whether or not your child is emotionally disturbed. But if your child's behavior is extremely different from the behavior of other children of the same age and is extremely disturbing to other adults or children, special help may be needed.

If you are told that your child is LEARNING DISABLED, it means that there is a disorder in one or more of the mental processes needed to receive, organize or express information. Your child may have difficulty in listening, thinking, speaking, reading, writing or doing arithmetic which results in a much lower level of school achievement than you would expect. A learning disability is not primarily due to a physical, mental or emotional handicap or to environmental, cultural, or economic factors.

A child who is identified as MENTALLY RETARDED will learn at a slower rate because of a significantly lower level of intelligence. This child is unable to benefit from regular education without the help of special programs and services. As the parent of a young child identified as mentally retarded, you may have noticed that your child's language or motor development is considerably slower than that of other children of the same age, or that your child seems unable to learn new skills as quickly.

Your child may have difficulty hearing. If you are told by a doctor who specializes in hearing problems that your child is DEAF, this means that your child cannot effectively use the sense of hearing. Due to this severe hearing loss, the child will need specialized training, either with speech sounds, sign language or both, in order to learn to communicate.

If you are told by an ear specialist that your child is HARD OF HEARING, this means that your child has a hearing loss which may range from mild to severe, but can use the sense of hearing either with or without a hearing aid. Your child may need special training. If your child often has earaches, asks to have instructions repeated, turns one ear to the speaker, strains to hear, speaks excessively loud or soft, or has trouble discriminating sounds, the child should be examined to determine if hearing problems exist.

If your child has a SPEECH IMPAIRMENT, you or a teacher may have noticed that your child has difficulty talking. Your child may substitute one sound for another, be unable to make certain sounds, leave sounds out, make some speech sounds that cannot be understood, stutter, or have difficulty understanding or using words or sentences. When any of these behaviors are present to such a degree that the child's educational performance is affected, special help may be necessary.

Your child may have a VISUAL IMPAIRMENT which interferes with the ability to progress like children of the same age. Your child may be blind or may be unable to use vision in some situations. If you are told that your child is partially sighted, it means that some functional sight does exist. The child may be able to learn to read regular print with glasses or to read special books that are printed with large type. If your child has a problem seeing and it is discovered that this is adversely affecting educational performance, special help in school may be needed. If your child squints, frequently holds books too close, often has eye infections, redness or pain, the child should be examined.

If your child's educational performance is being affected due to such conditions as cerebral palsy, amputations, fractures or burns which cause contractures, you may be told your child is ORTHOPEDICALLY IMPAIRED. Your school district must provide special help so that your child can benefit from education.

If you are told your child is OTHER HEALTH IMPAIRED, it means that your child is physically handicapped and has limited strength, vitality, or alertness due to chronic or acute health problems. These problems may include a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, Tourette syndrome, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes. When any of these problems is identified as affecting your child's educational performance, special attention in school may be required.

If your child has two or more primary handicaps such as deafness and blindness or severe emotional disturbance and mental retardation, the child may be classified as MULTIPLY HANDICAPPED. When a combination of these conditions causes educational problems that cannot be handled in a special education program designed for one of the impairments, the school may provide a special program for the child.

Remember, in order for your child to receive special education services at public expense, it is necessary for the district to determine whether your child's disability meets the criteria for classification of handicapping conditions. Once the determination has been made that your child is eligible for special education, the types and amount of special education services provided will depend on your child's individual needs.

SPECIAL EDUCATION PROGRAMS FOR SCHOOL-AGE CHILDREN

Each Board of Education is responsible for determining the methods by which special education programs and services are to be made available to children who need them. In all cases, children who require special education must have appropriate programs and services available to them from the time they reach school age until they become twenty-one or receive a high school diploma. These services must be available at no cost to parents.

Special education is expensive, but it is a public expense, not a personal burden to be borne by parents. Of course, nothing in the law prevents parents from exercising their free choice to select a private program at their own expense.

In making a placement decision about your child, the Committee on the Handicapped determines which program or services or combination of programs and services is necessary to meet your child's specific educational needs. The COH carefully looks for a placement which will allow your child maximum opportunities to be educated with nonhandicapped peers. Special program options that are available include:

Regular Education Program

Children placed in a regular class program in either the home school district or in a neighboring school district, may receive RELATED OR OTHER SUPPORT SERVICES to assist them in benefiting from education. These services include speech pathology, audiology, physical and occupational therapy and other developmental, corrective and support services. They are written in the child's Individualized Education Program (IEP) and are scheduled according to the individual needs of the child. If speech and language services are indicated, they must be provided at least twice each week.

Your child may be placed in a more challenging program within your school district after receiving special education for a certain period of time. Your child's new teacher may receive support and assistance from other individuals in the school in order to help the child adjust to the new program. These TRANSITIONAL SUPPORT SERVICES are written in the child's Individualized Education Program, can be provided to the teacher for sixty days, and may be renewed for an additional sixty days after the child enters a regular education program or a program more like a regular education program.

Resource Room Program

Children placed in a resource room program may receive assistance from a certified special education teacher for up to fifty percent of the school day. They will take part in regular class and other activities during the rest of the day. Children in this program will receive at least five hours of individual or small group instruction per week. In addition, the regular classroom teacher will work closely with the special education teacher so that the needs of these children can be effectively met in the classroom. Children may receive resource room services in the home district, in a neighboring district, or in a Board of Cooperative Educational Services (BOCES) program as close to home as possible. A maximum enrollment of twenty has been established and children are taught in groups of five or less to ensure that they receive needed individual attention.

Special Class Program

The Board of Education may determine that your child's needs are serious enough to require a special class placement. The child in this program would receive specially designed instruction from a certified special education teacher for at least fifty percent of the school day. Related services and other support services may be provided as needed. The child may enter the regular program for part of the day for academic and/or special subjects such as music, physical education or art. A special class may be attended in a local school within the

district, in a neighboring district, in a BOCES program, or in a private day school with the approval of the Commissioner. Children placed in this program are grouped together because of similar educational needs which may not be indicated by their classifications. Limits on the age range of children under sixteen in this program have been established to make sure your child is in a class with children of approximately the same age. Maximum class sizes have also been established to be sure that each child receives the individual attention needed.

Home and Hospital Instruction

If your child requires special education and is unable to attend school, the Board of Education must still provide an educational program. If your child is home, a teacher must come to your house to provide instruction. If your child is in a hospital, education must be provided there. The instruction that your child receives at home or in the hospital must be based on individual needs. Your district must keep records on your child and periodically evaluate the progress that is being made. Minimum requirements for the length of time that your child must be taught at home or in the hospital have been established. Contact your local school district for these details.

OTHER OPTIONS

In-State or Out-of-State Private School Programs

If your child has a severe or profound disability or has an unusual combination of disabilities, a residential setting may best meet your child's individual educational needs. If your local school district has made every effort to find a program that meets your child's needs in the local school district, a neighboring district and BOCES, and none is appropriate and/or available, your child may be eligible for placement in a private day or residential school program. If your child is placed in an approved private school by your district, the cost of tuition, room and board is not your responsibility. The Board of Education must make an application to the Commissioner of Education for approval of this placement.

Private schools that are receiving public funds for the education of children must meet certain standards. As a parent, you should be aware of the basic requirements that protect your child's right to a free appropriate education. The private school must send a report on your child's progress to your Committee on the Handicapped (COH) at least once a year. You may request additional reports and information on your child's progress through the COH. Your child may not be transferred or dismissed from a private school without giving notification to your local school district.

State-Operated and State-Supported Schools for the Blind, Deaf and Severely Physically Handicapped

Other program options available are State-Operated and State-Supported schools. Children are appointed to these schools by the State Education Department with the approval of the Commissioner of Education.

Other State Agency Programs

Some children are educated in programs licensed and/or operated by other State agencies such as the Office of Mental Retardation and Developmental Disabilities, the Department of Mental Health, the Department of Correctional Services, the Division for Youth, and the Department of Social Services. These programs must provide educational services that are similar to the services that are available in the public schools.

Summer Programs for School-Age Children

School districts are required to provide educational services for the ten-month school year only. To obtain transportation and tuition for summer special education programs, you must petition the Family Court. Such costs may be granted in appropriate cases. You may obtain the necessary forms by contacting your local school district.

REFERRAL

Any school-age child suspected of being educationally handicapped should be referred to the Committee on the Handicapped (COH). If you feel that your child may need special education services, write a letter stating your concern and send it to your child's school building administrator or the chairperson of your district's COH. Other people who may refer a child to the COH are:

- A professional staff member of your school district or, if different, of the school or agency your child legally attends,
- A licensed physician,
- A judicial officer,
- The Commissioner of Education or a designee of a public agency with responsibility for the welfare, health or education of children,
- A pupil him/herself who is 18 years or older and has not received a diploma.

A referral must be in writing and, if it is sent to the building administrator, it will be forwarded to the COH within five school days. If your child is referred, you will be notified in writing by the Committee within five school days after the referral has been received by the COH. The notice which is sent to you will:

- Request your written consent for an individual evaluation of your child if your child has not been previously identified as having a handicapping condition,
- Inform you of your right to an independent evaluation,
- Include a description of the proposed evaluation,
- Include the uses to be made of the information,

- Inform you of your right to have the physician member attend the meeting at which your child will be discussed,

- Include the date, time and location of the Committee meeting at which your child will be discussed,

- Advise you of your right to address the Committee, either in person or in writing, regarding the Committee's plan for evaluation or its recommendation to be made to the Board of Education. If you choose to address the Committee in person, you have the right to be accompanied by any individual(s) you desire.

Referrals to the Committee on the Handicapped may not be screened by any individual or group. Once a referral is submitted, it must be acted upon unless, during an informal conference, you and the school representative(s) agree that evaluation and special education are not warranted.

EVALUATION

After your consent is given, the Committee on the Handicapped will begin the evaluation of your child that was described in the notice. The purpose of the evaluation is to determine if your child is eligible for special education. This evaluation will include a physical examination, an individual psychological examination, a social history and other suitable assessments.

Your child's school district is responsible for ensuring that no single test is used for determining an appropriate educational program. The district will ensure that multiple assessments:

- Are provided and administered in your child's dominant language, unless it is clearly not feasible to do so,

- Have been carefully analyzed to see if they actually test what they are intended to test,

- Are administered by trained personnel,

- Are administered by a multidisciplinary team or group of persons, including at least one teacher or other specialist with knowledge in the area of the suspected disability,

- Are tailored to assess specific areas of educational need and not just those which are designed to provide a general intelligence quotient (IQ),

- Include observation of your child in the current educational setting,

- Accurately measure your child's ability in given areas without the results being adversely affected by any disabilities your child may have,

- Assess your child in all areas related to the suspected disability.

When all information about your child is collected, the Committee, with your involvement, will begin to develop its recommendation which will be sent to the

Board of Education. Before any recommendation is made, you must be notified of your right to talk with the Committee about your child's needs. When you are contacted, take advantage of the opportunity to present any information that you may have and to ask questions. Attend the meeting and inform the Committee about your child's special needs and interests.

RECOMMENDATION

The Committee on the Handicapped must develop its recommendation and notify you and the Board of Education of that recommendation within 30 school days after the referral is first received by the school building administrator or the COH. This recommendation will be made whether or not a handicapping condition is determined to exist.

If your child is found to be ineligible for special education services, the COH will send a copy of the evaluation results to your child's building administrator. The COH recommendation will be sent to you and the Board of Education and will indicate why your child is felt to be ineligible.

If your child is found to be eligible for special education services, the COH will make a recommendation to the Board of Education. The recommendation will:

- Indicate the classification of the handicapping condition, your child's program and placement (including occupational education and physical education or adapted physical education as appropriate), and amount of participation in the regular education programs,
- Report your child's present level of educational performance,
- Indicate your child's individual levels of school achievement, social develop ment and physical development,
- Indicate the management needs of the pupils in the classroom,
- Indicate the class size in which your child should be placed,
- Indicate the projected date for the initiation of related or other support services, the amount of time per day they should be received, and the projected date for a review,
- Describe any specialized equipment and adaptive device(s) needed for your child to benefit from education,
- List annual goals that are consistent with your child's needs and abilities,
- List the testing modifications which should be used consistently in the instructional program.

This recommendation becomes the first part of your child's Individualized Education Program (IEP) and is commonly referred to as Phase I. In addition to the recommendation, you will receive a notice from the Committee. This notice will:

- Specify the tests and reports upon which the recommendation is based,

- State that your child's school files and records are available for your inspection and are available for duplication at a reasonable cost,

- Describe your right to a hearing if you object to the recommendation,

- Include a statement for appealing the decision resulting from a formal hearing,

- Indicate your right to an independent evaluation which, if the district agrees, or if decided by an impartial hearing officer, will be at public expense. The names, addresses and telephone numbers of appropriate public and private agencies where evaluations may be obtained will be included. You also have the right to an independent evaluation at your own expense.

- Indicate the names, addresses and telephone numbers of people and agencies from which you may obtain free or low cost legal and other services.

The COH will request your written consent for your child to receive special education services. It is important to remember that once your written consent is given, it does not have to be renewed. However, you may change your mind and reconsider your child's program at any time by contacting the COH and asking that your child's placement be reviewed.

INDIVIDUALIZED EDUCATION PROGRAM

If your child is eligible for special education services, an Individualized Education Program (IEP) must be developed. The reason an IEP is developed is to make certain that your child is receiving an education that meets his/her individual needs. The IEP summarizes where your child is developmentally (current skills and abilities); establishes educational goals and objectives for the school year; explains how these goals will be reached and lists ways for periodically checking the progress your child is making. Although school districts develop their own forms for recording Individualized Education Programs, the law specifies the content.

In New York State the IEP is divided into two phases. The first phase is developed at a Committee on the Handicapped meeting and the second phase is developed at a planning conference. The following information must be included in Phase I of your child's IEP:

1. A CLASSIFICATION OF HANDICAPPING CONDITION, RECOMMENDED PROGRAM AND PLACEMENT INCLUDING THE EXTENT TO WHICH THE PUPIL WILL PARTICIPATE IN THE REGULAR EDUCATION PROGRAMS. The COH determines the classification according to the definitions of handicapping conditions which are stated in the Commissioner's Regulations. Using all the information available, the COH determines the appropriate program and placement to meet your child's needs. This might mean placement in a regular class with supportive educational and/or related services or placement in a special class with an opportunity to be included in activities with nonhandicapped peers. A district may not place a student in a more restrictive environment than necessary just because it does not have appropriate special services to meet the child's needs.

2. THE PRESENT LEVEL OF EDUCATIONAL PERFORMANCE. Based on the results of the individual evaluation, teacher(s) observations and your input, the COH will identify your child's skills and abilities. As a parent, there is much you can add to the development of this part of your child's IEP. You have first-hand information about what your child can and cannot do at home. Sharing this knowledge is an important contribution to your child's IEP. For many children, this would include information about reading skills, language development, motor development and social development. For some children, it might include the child's development in self-care skills such as dressing and toileting, or in specialized adaptive skills such as lipreading or braille.

3. THE INDIVIDUAL NEEDS OF THE PUPIL ACCORDING TO ACADEMIC ACHIEVEMENT AND LEARNING RATE, SOCIAL DEVELOPMENT, PHYSICAL DEVELOPMENT AND THE MANAGEMENT NEEDS OF THE PUPILS IN THE CLASSROOM. Your child's individual abilities and needs must be clearly defined so that regardless of classification, placement can be made with other children who have similar needs. No classification should automatically lead to a particular placement. More than ever before, with your help, your child can be assured of an appropriate education.

4. THE CLASS SIZE IN WHICH THE CHILD SHOULD BE PLACED. If it is determined that your child's needs can be met in a resource room, the child will receive small group instruction with no more than four other children for no more than half of each school day. If a special class is recommended for at least half of each school day, your child's maximum class size may be:

a. twelve students; teacher
b. twelve students; teacher and at least one teacher aide
c. six students; teacher and at least one teacher aide
d. twelve students; teacher and an additional teacher or other professional staff for every three students in the class.

Your child's placement and class size will depend upon the need for individual attention. In any case, placement must be with children having similar needs.

If your child is placed in a special class as described in c and d, you are entitled to receive counseling and education for the purpose of helping your child at home.

5. THE PROJECTED DATE FOR INITIATION OF SPECIAL EDUCATION SERVICES, THE AMOUNT OF TIME PER DAY THE PUPIL WILL RECEIVE SUCH SERVICES, AND THE PROJECTED DATE FOR THE REVIEW OF THE NEED FOR SUCH SERVICES. This section of the IEP includes the date that the special education services are expected to begin and how often they will be given. Some children may require services for two hours each day, others may need only two periods a week. For example, if your child is to receive speech therapy for an hour each day or participate in a resource room program for two hours each day, this must be stated in the IEP.

6. A DESCRIPTION OF SPECIALIZED EQUIPMENT AND ADAPTIVE DEVICE(S) NEEDED FOR THE PUPIL TO BENEFIT FROM EDUCATION. These might include braille books, desk or chair adaptations. As a parent, you should ask questions about equipment/devices and adaptive materials to be used with your child. Feel free to express your ideas and concerns.

7. A LISTING OF ANNUAL GOALS THAT ARE CONSISTENT WITH THE PUPIL'S NEEDS AND ABILITIES. These annual goals describe what your child might be able to do within a given period of time. Goals should be written for each major skill area such as language or motor development. A long-range goal for your child might be to read at the second grade level or to travel independently on public transportation from home to work.

8. A LIST OF TESTING MODIFICATIONS USED CONSISTENTLY IN THE INSTRUCTIONAL PROGRAM. If your child needs to use a calculator or tape recorder or any other test modification, it is important to include these in the IEP. The school principal, who decides which students may be allowed to use modifications during tests, will look back on the child's IEP to determine if modifications have consistently been required.

During the development of Phase I, you had the opportunity to meet and offer suggestions to the COH. The second phase of your child's IEP is developed at a planning conference in which your participation is again encouraged. The planning conference is a meeting of those involved in your child's education to decide upon long- and short-term objectives and the methods for determining progress toward these objectives. It must be held as soon as possible, but no later than 30 school days after your child enters special education.

As a parent or legal guardian, your participation in the development of your child's IEP is extremely important. Your district must notify you of the planning conference at least five days in advance, stating the time, place and date for the conference. If it is not possible for you to attend the conference, the school will present alternatives such as individual meetings or telephone discussions. At the conference, you may be accompanied by interpreters to allow you to communicate with the school personnel in your native language. You may ask other people to accompany you. You may also bring your child if you believe it would be appropriate.

The planning conference must also be attended by your child's teacher(s) and a representative of the school district, other than the child's teacher, who is qualified to provide or supervise the provision of special education. This person could be a specialist in the area of your child's disability, such as a speech therapist. It could also be a person who has the administrative responsibility for a special education program. If your child is entering a special education program for the first time, the conference must also include a member of the evaluation team or a person who is able to explain the evaluation procedures used with your child. You or the district may choose to invite others to attend the conference.

The following information must be included in Phase II of your child's IEP:

1. A STATEMENT OF SHORT-TERM OBJECTIVES CONSISTENT WITH THE ANNUAL GOALS. This section of the IEP includes the steps that your child will take to arrive at annual goals. A short-term objective might be to learn the vocabulary words required in Chapter 1 in the Second Grade Reading book; for other children it may be to identify the tools necessary for changing a tire on a car.

2. APPROPRIATE OBJECTIVE CRITERIA, EVALUATION PROCEDURES AND SCHEDULES FOR DETERMINING, ON AT LEAST AN ANNUAL BASIS, WHETHER THE INSTRUCTIONAL OBJECTIVES ARE BEING ACHIEVED. This

includes written statements of how the teacher will determine whether the objectives and goals are being reached and how frequently your child's progress will be reviewed. You will want to know how often your child's progress will be evaluated to make certain that the program is adjusted to meet individual needs.

As a parent, you may have some very definite ideas about goals and objectives for your child. Your child may also have some ideas as to what should be accomplished by the end of the school year. At the planning conference, you have the right to ask questions about the educational methods and materials that will be used with your child.

You and your child should feel free to express your ideas and concerns at the planning conference.

It might be helpful for you to make a list of your ideas, concerns and questions before attending the planning conference.

- What do the tests show about my child's abilities?
- In what extracurricular activities will my child participate?
- In what type of physical education program will my child participate?
- What academic subjects will my child be studying?
- What plans will be made for occupational education?
- How can vocational rehabilitation services help?
- What experiences will my child have in the regular classroom?
- What behavior problems has my child shown?
- How will the teacher handle these problems?
- How often will my child's progress be checked?
- When and how will I receive a report about my child?
- What can I do at home to help my child in school?
- List some special abilities, skills and interests that your child shows at home.
- Describe how your child relates to friends, brothers and sisters and neighbors.
- Identify what your child enjoys doing during the summer months.
- Identify some areas in which you would like to see your child grow.

SUMMARY OF THE PARENTS' ROLE

If your child was referred to the Committee on the Handicapped:

- You were notified by the COH of the referral.
- You contacted the COH if you had any questions or needed more information.
- You made a decision as to whether or not to give written consent for the preplacement evaluation if your child was being evaluated for the first time.
- You made a decision as to whether or not to request the physician's attendance at the COH meeting at which your child was discussed; the request was made in accordance with district procedures.
- You participated in the COH meeting by providing information about your child.
- You were notified of the COH recommendation to the Board of Education.
- You read the notice of the Committee's recommendation and contacted the COH if you had any questions or needed more information.
- You were notified of the Board's approval of the COH recommendation.
- You made a decision as to whether or not to give written consent so that your child could receive special education services.
- You were notified of the planning conference to be held at a mutually agreeable date, time and place.
- You participated in the IEP planning conference.

IMPLEMENTATION

Putting the IEP Into Practice

It is important for you to become informed of what your child will be learning at school so that you can reinforce this at home. For example, if your child is learning to tell time at school, you can provide opportunities to practice this at home. At the planning conference, listen carefully to what your child's teacher and other school personnel are saying about your child's educational needs and what should be done to meet those needs. If there are parts of the program that are unclear, ask questions about them. The school personnel will explain all parts of your child's program to you and the reasons for them. If you disagree with the goals, objectives, and/or activities that are proposed or would like others added, express your opinion.

Arrange for periodic phone calls, notes or other methods of keeping in touch with your child's teacher. Be sure to understand when you will be getting a progress report. When you receive it, read it carefully and feel free to call the

school to ask questions. Frequent communication with the school provides you with the assurance that your child's IEP is being followed as was agreed and gives you a chance to know when and why it should be changed. If communication with your child's teacher becomes difficult, remember that you can contact the COH at any time for information and assistance.

Annual Review

The IEP can be revised at any time you or your child's teacher(s) feel it is necessary. However, the COH will review your child's IEP at least once a year. This annual review is conducted to make certain that your child's program is appropriately changed as progress is made.

You will be notified each year when the COH reviews your child's program. This notification will be the same as the notice you received when your child was first referred to the COH except that another written consent for evaluation will not be requested.

Based on this review the COH may recommend that your child continue in the present program or that a change be made. In either case, you and the Board of Education must receive notice of the Committee's recommendation.

The Board of Education will make certain that your child receives a comprehensive reevaluation at least once every three years. This includes an individual psychological examination, a physical examination, a social history and other suitable examinations that may be required to access the child's educational needs.

The COH, with your involvement, is responsible for assisting the school district in providing a free appropriate public education for your child. If you are not satisfied with your child's program, contact the COH in your district. The names of COH members are available from your Board of Education or from the Superintendent.

YOUR RIGHT TO CHALLENGE EDUCATIONAL DECISIONS ABOUT YOUR CHILD

All school-age children who are educationally handicapped have the right to a free appropriate public education. As a parent of a child with a handicapping condition, you also have rights that protect you and your child. Your school district will take certain steps to protect these rights to make sure that your child's needs are accurately evaluated and that your child gets the educational services needed. The procedural steps that your district will take to protect your child's educational rights are called "due process" safeguards.

Your district will give you an opportunity to question or challenge recommendations and decisions about your child's educational program. Whenever possible, you should use these opportunities to clear up any misunderstandings by meeting with the Committee on the Handicapped or other school personnel.

CHALLENGING THE RECOMMENDATION OF THE COMMITTEE ON THE HANDICAPPED

Evaluation

The role of the Committee on the Handicapped has been discussed in an earlier section of this guide, so you already know that the Committee must have your written permission to conduct an evaluation of your child to determine a need for special education services. If you do not consent to the evaluation, the COH chairperson will inform you that you may request an informal conference with the Committee or professionals most familiar with the proposed evaluation. You may bring whomever you choose to discuss the purpose and need for the evaluation. If you and the school district representatives cannot reach agreement as to the need for evaluation, you can request an impartial hearing to review the decision for evaluation.

If you do not consent to the evaluation and fail to request or attend an informal conference, or if you continue to withhold consent for 30 days from the date on your notification, the Board of Education will initiate an impartial hearing to formally decide the need for evaluation.

Classification, Program and Placement

When the Committee on the Handicapped is developing a recommendation about the classification, program and placement of your child for the first time, or reviews earlier recommendations, it will inform you in writing of your opportunity to express, either in person or in writing, your opinions about your child's education concerning the recommendations to be made to the Board of Education. When you meet with the Committee, you have the right to bring with you any person(s) of your choice. The district will notify you of your right to require that the physician member of the Committee attend any meetings regarding your child. To do this, you must send a written request to the COH, in accordance with procedures described in your notice, prior to the meeting you want the physician member to attend.

Your district will send you a formal letter, called a notice, to explain the actual recommendation of the Committee and the reasons upon which the recommendation is based. The notice will describe the details of the classification, program and placement recommendation and specify the tests or reports upon which the recommendation is based. This notice shall inform you:

1. That the school files, records and reports about your child will be available for you to read. Copies of these records must be available to you at a reasonable cost.

2. That you have the right to obtain a hearing if you object to the recommendation.

3. Of the procedures for appealing the decision resulting from the formal hearing.

4. Of the right to obtain an independent educational evaluation at your own expense and include names, addresses and telephone numbers of appropriate public and private agencies or other professional resources where evaluation services may be obtained. An independent educational evaluation may be provided at public

expense if the school agrees to this or, if after an impartial hearing, the hearing officer decides that an independent evaluation is appropriate. The school district must review any information you submit.

5. That you may be able to get free or low cost legal assistance and other relevant services at no expense to the school district. Also included should be the names, addresses and telephone numbers of appropriate agencies where these services may be obtained.

6. That your child must remain in the current approved educational placement while any of these proceedings or future proceedings take place, unless the Commissioner or the local Board of Education and you agree to another placement. If you are applying for the child's admission to a public school, your child must be placed in the district's general education program until all the proceedings have been completed.

7. That you must be asked to give written consent for the district to begin to provide special education programs and services in order to continue to evaluate your child in the recommended setting.

THE IMPARTIAL HEARING

You have the right to request that an impartial hearing be held to challenge educational decisions about your child. This is a formal procedure.

As a parent or legal guardian, you may request in writing a formal impartial hearing at any of these times:

1. Within ten days after you receive notice, or if the school district fails to give you notice about the recommendations for your child.

2. After you receive notice that the school board has rejected or modified the COH recommendation.

3. If the Committee fails to make an evaluation and a recommendation within 30 school days from the date a referral is made.

4. If the recommendations of the COH are not implemented within 30 school days after they are made.

5. If the COH fails to complete a review of your child at least once a year or fails to make a complete reexamination of your child once every three years.

6. Any time you and the school district do not agree on what an appropriate education for your child includes.

To request an impartial hearing, send a letter to your Board of Education to inform it of the recommendation that you are challenging. Be sure to keep a copy of your letter. Once the Board receives your request, it will arrange for the hearing.

The Board of Education will follow these procedures:

1. The Board must appoint an impartial hearing officer. This individual cannot be an officer, employee, or agent of the school district or of the BOCES of which the school district is a component. The hearing officer will preside at the hearing and can administer oaths and issue subpoenas.

2. You and the Board of Education may be represented by attorneys or individuals who have special knowledge or training to deal with the problems of children with handicapping conditions. You and the Board of Education may bring any other people of your choice to the hearing.

3. At any time in the hearing, if they are needed, interpreters of the deaf and/or interpreters of the language spoken in your home must be available. The district must pay for this service.

4. The hearing should be closed to the public, unless you request an open hearing, and you have the right to decide if your child should attend the hearing.

5. You, your representative, and the representatives of the school district can present evidence and question all the witnesses at the hearing. You and the school district each have the right to prohibit the introduction of new evidence when its substance was not shared at least five days before the hearing.

6. A written or tape-recorded verbatim (word-for-word) record of the hearing must be made and be available to you and the school district.

7. After both you and the school district have presented your cases and the hearing has ended, the hearing officer must write a decision. A copy of the decision must be mailed to you and the Board of Education within 45 calendar days of the date that the Board of Education received your initial request for a hearing.

The hearing officer's decision will be based only on what occurred at the hearing and will explain the reasons and the bases for the decision. The decision will also inform you and the Board of Education of the right to appeal the decision to the Commissioner of Education.

THE APPEAL TO THE COMMISSIONER

If either you or the Board of Education is dissatisfied with the decision of the impartial hearing officer, you have the right to appeal to the Commissioner of Education. If you decide to do this, it is not necessary to hire a lawyer. However, in order to bring an appeal to the Commissioner, you must carefully follow certain procedures.

Your first step is to get a copy of the booklet entitled "Handbook I, Regulations of the Commissioner of Education Relating to Appeals and Other Proceedings Before the Commissioner." To get a copy write to:

New York State Education Department
Office of Counsel
Education Building
Albany, NY 12234

This booklet explains exactly what you must do to appeal the decision of an impartial hearing officer. Because your appeal is a legal process, you must follow precisely the procedures explained in the booklet. If you do not follow these procedures exactly, your appeal may be returned or dismissed.

Ground Rules - These general suggestions should be kept in mind as you prepare and file your appeal:

1. The person or party who brings the appeal is called the petitioner. The petitioner must be personally "aggrieved" or affected by the decision of the impartial hearing officer. The parent or legal guardian brings the petition on behalf of the child.

2. The person or party who must answer the issues in the petition is called the respondent.

3. Within 30 calendar days of receiving the decision of the impartial hearing officer, the petitioner must serve the respondent with a "Notice of Intention to Seek Review." This statement tells the respondent that an appeal is being made to the Commissioner of Education.

4. Within 40 days of receiving the decision of the impartial hearing officer, the petitioner must serve the respondent with a "petition for review." This petition states the areas of disagreement.

5. All appeals must be addressed, in writing, to the Commissioner of Education. Oral argument before the Commissioner is not permitted.

Appeal Procedures

1. SENDING THE NOTICE OF INTENTION TO SEEK REVIEW

If you are appealing the decision of an impartial hearing officer, you must send a "Notice of Intention to Seek Review" to the Board of Education. This must be sent at least 10 calendar days before serving the petition and within 30 days after receipt of the decision of the hearing officer. The notice must be in the form shown below:

NOTICE OF INTENTION TO SEEK REVIEW

The undersigned intends to seek review of the determination of the hearing officer concerning the identification, evaluation or placement of (name of handicapped pupil). Upon receipt of this notice, you are required to have prepared proceedings before the hearing officer in this matter. A copy of the transcript and of the decision of the hearing officer must be filed with the answer to the petition for review to be filed by the undersigned with the Commissioner of Education.

A copy of this notice must be included in the appeal.

2. PREPARING AN APPEAL

The petitioner prepares the appeal. The appeal must include the following:

(a) The "Notice With Petition" which is to be sent in the form shown below:

NOTICE WITH PETITION

You are hereby required to appear in this review and to answer the allegations contained in this petition. Your answer must conform with the provisions of the Regulations of the Commissioner of Education relating to reviews of this nature, copies of which are available from the Office of Counsel, New York State Education Department, State Education Building, Albany, New York 12234.

If an answer is not served and filed in accordance with the provisions of such regulations, the statements contained in the petition will be deemed to be true statements, and a decision will be rendered thereon by the Commissioner.

Please take notice that such regulations require that an answer to the petition must be served upon the petitioner, or if petitioner is represented by counsel, upon such counsel, within ten days after the service of the petition for review, and that a copy of such answer must, within two days after such service, be filed with the Office of Counsel, New York State Education Department, State Education Building, Albany, New York 12234.

(b) The petition which is to include any written argument, memorandum of law and documentary evidence.

(c) The "Affidavit of Verification" in which the petitioner swears to the truth of the challenges. It is to be in this form:

AFFIDAVIT OF VERIFICATION

STATE OF NEW YORK

ss.

COUNTY .....

....., being duly sworn, deposes and says that he/she is ..... in this proceeding; that he/she has read the annexed ..... and knows the contents thereof; that the same is true to the knowledge of deponent except as to the matters therein stated to be alleged upon information and belief, and as to those matters he/she believes it to be true.

.....
(Signature)

Subscribed and sworn to before me this
..... day of ....., 19.....

.....
(Signature and title of officer)

3. SERVING THE PETITION

The petitioner must have the petition hand delivered to each named respondent by someone over the age of 18.

4. NOTARIZING THE AFFIDAVIT OF PERSONAL SERVICE

The person who has hand delivered the petition must sign an "Affidavit of Personal Service" and have it notarized. The Affidavit of Personal Service must be in this form:

AFFIDAVIT OF PERSONAL SERVICE

STATE OF NEW YORK

ss.

COUNTY OF .....

....., being duly sworn, deposes and says that he/she is ..... over the age of eighteen years and is not a party in this proceeding; that on the ..... day of ....., 19....., at No..... Street, in the town of ..... county of ....., State of New York, he/she served the annexed ..... on .... by delivering to and leaving with said ..... at said time and place a true copy thereof.

Deponent further says he/she knew the person so served to be the said .....,

who is ..... in said district.

.....
(Signature)

Subscribed and sworn to before me this
..... day of ....., 19...

.....
(Signature and title of officer)

A copy of this affidavit must be included with the petition to the Commissioner of Education.

5. FILING THE APPEAL WITH THE COMMISSIONER OF EDUCATION

The petitioner must file with the Office of Counsel of the State Education Department the following:

(a) The complete appeal including the Notice with Petition, the Petition and the Affidavit of Verification.

(b) A copy of the Notice of Intention to Seek Review.

(c) The Affidavit of Personal Service.

6. PREPARING AN ANSWER TO THE PETITION

The respondent must prepare and answer to the charges contained in the petition. The respondent may agree with the charges in the petition. If this is the case, the respondent will prepare a statement of facts which expresses agreement with the petitioner. The respondent may disagree with the petitioner and present written argument, memorandum of law and additional documentary evidence.

7. SERVING THE ANSWER ON THE PETITIONER

The respondent must serve the answer on the petitioner. It may be hand delivered or served by mail. An "Affidavit of Personal Service or Service by Mail" in the format described must be obtained and notarized. An Affidavit of Verification must also be included.

AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK

ss.

COUNTY OF .....

....., being duly sworn, deposes and says that he/she is over the age of eighteen years and is not a party in this proceeding; that on the ... day of ....., 19 ....., deponent served the within ..... upon ..... in this action, at ....., the addresses designated by ..... for that purpose by depositing a true copy of the same by mail, enclosed in a post-paid properly addressed wrapper, in ..... a post office ..... official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.

.....
(Signature)

Subscribed and sworn to before me
this ..... day of ....., 19 .....

.....
(Signature and title of officer)

8. FILING THE ANSWER WITH THE STATE EDUCATION DEPARTMENT

Within two (2) calendar days of the date that the answer was served on the petitioner, the respondent must file the answer with the Office of Counsel, State Education Department. The Affidavit of Personal Service or Service by Mail must accompany the answer and a verification.

9. RESPONDING TO THE ANSWER

The petitioner may make a response to the answer. The response must be served on the respondent and filed with the State Education Department within three (3) calendar days after service of the answer.

10. FILING A RECORD OF THE PROCEEDINGS BEFORE THE HEARING OFFICER WITH THE STATE EDUCATION DEPARTMENT

It is the responsibility of the Board of Education to file with the Office of Counsel, State Education Department, a copy of the written transcript of the record before the hearing officer and the decision of the hearing officer.

11. DECISION OF THE COMMISSIONER

The Commissioner must make a decision on your appeal within 45 calendar days of receipt of the complete appeal package filed as explained in step number 5.

12. CHALLENGING THE DECISION OF THE COMMISSIONER OF EDUCATION

If you are dissatisfied with the final determination or order of the Commissioner of Education, you can take your child's case to court.

The steps allowed in procedural due process thus far have included the informal conference with the COH and school officials to discuss the evaluation, classification, program or placement; the formal impartial hearing; and the legal process of an appeal to the Commissioner. The procedures up to this point are called administrative proceedings.

All possibilities for reaching agreement must be exhausted at each level before you can challenge a decision at the next level. You may choose to bring a court action under Article 78 of the Civil Practice Law and Rules to review the decision of the Commissioner. This action must be brought to the State Supreme Court in Albany County.

The State Court decision may be challenged by bringing action in one of the four Federal district courts in the State.

DUE PROCESS IN SUSPENSION AND EXEMPTION CASES

Suspension

Public school authorities may suspend your child for behavior which endangers his or her health and safety or the health and safety of others in the classroom. A suspension may indicate that your child's current program may not be appropriate or that different and/or additional services may be required to meet your child's needs. It does not mean that your child cannot be educated or is no longer entitled to an education.

If your child is suspended, your school district will notify you. If the suspension is for five days or less, you will have the opportunity for an informal conference with the principal or the person imposing the suspension. This conference is held so that all parties can discuss the situation and decide what should be done to prevent a similar incident from occurring in the future.

If the incident is severe, your child may be suspended for more than five days. The letter which tells you about this suspension will also inform you of your right to a formal hearing. You may choose to be represented by counsel at the hearing. If the suspension is upheld at the hearing and your child is of compulsory school age (six to sixteen years old), the district must provide other suitable instruction. If at

this time, or at any time, you feel your child's special education program is no longer appropriate, you may make a referral to the COH for a review. Your child will remain in the current placement until a new recommendation is made by the Committee.

Before the hearing, your district will inform you of the specific incidents that have occurred and the reason for suspension. It is not sufficient for the notice to merely state that your child is guilty of a serious violation of school rules. This information must be made available ahead of time so that you and/or your representative can prepare for the hearing.

At the formal hearing, you have the right to bring an attorney or other witnesses to speak on your child's behalf. You and your representative have the right to question teachers and other school staff members. You may also be questioned by the school. However, the responsibility for proving that your child should be suspended rests with the school.

A record must be made at the hearing—either a written record or a tape recording.

The superintendent may hear the case and make a final decision on suspension. The decision must be based only on evidence presented at the hearing. Although the superintendent may designate a hearing officer to conduct the hearing, the superintendent makes the decision.

If you are dissatisfied with the results of the hearing, you may appeal to the Board of Education, which will decide the case based on the record before it. If you are dissatisfied with the result of the determination by the Board of Education, you may bring an appeal to the Commissioner of Education, pursuant to section 310 of the Education Law.

Exemption

Recent changes in State and Federal education laws require that free appropriate educational services be made available to all children with handicapping conditions between the ages of five and twenty-one. However, as a parent you should be aware of the exemption provisions. If you and your Board of Education agree that your child is profoundly disabled and should be exempt from instruction because there is no educational program from which the child can benefit, then you should use the exemption procedures.

Have your child examined by a physician, psychiatrist or psychologist who will prepare a written report recommending exemption. Have a copy of the report sent to your local Committee on the Handicapped. Ask the Committee to recommend an exemption for your child. These procedures, which release a child from the obligation to attend school because of a physical disability, mental retardation or a mental or emotional disorder, do exist in the Education Law and the Commissioner's Regulations.

EARLY CHILDHOOD SERVICES

Preschool Programs

If your child is of preschool age and has a known or suspected disability, it is important for you to find out what the disability is and to find a program for your child. Often disabilities that are identified early can be corrected. Many children who attend special preschool programs are able to attend regular classes when they reach school age. Local school districts are not required by law to provide preschool programs for children below the age of five. However, there are programs and services available to preschool-age children who require special education. The COH and the Early Childhood Direction Centers are resources to assist you in locating programs and services for your preschool handicapped child. These programs are not the same as day care centers.

Petitioning Family Court for Tuition, Transportation and Maintenance for Preschool Handicapped Children

You have the right to petition the Family Court in your county of residence to obtain funds needed for tuition, transportation and maintenance for preschool special education programs for the school year and for the summer months. Such costs may be granted by the courts in appropriate cases. When transportation and tuition costs for preschool programs are granted, the costs are charged to the county. If the Commissioner of Education approves the order of the Family Court, based upon an individual review of your child's program, and if your child's program meets certain minimum requirements, the State Education Department will reimburse the county up to 50 percent of the court-ordered amount. Many Family Courts wait for a recommendation from the State Education Department before making decisions about petitions. You may obtain forms for petitioning from your local school district, Early Childhood Direction Center or Family Court.

Programs for Deaf Infants

If your child is below the age of three and has a severe hearing loss, public education programs are available to you and your child. These programs are designed to help your child learn to communicate with others. These programs must also offer you training that will help you understand and work with your child. To be eligible for this type of program, your child must have a severe hearing loss. Obtain an application form from the Committee, Early Childhood Direction Center, an approved Deaf Infant facility or the State Education Department. Your child must be evaluated by an otologist and audiologist. After getting their signatures and completing the application form, contact your local Committee or Early Childhood Direction Center and ask them to recommend your child for an approved program. If your child is eligible, a referral to the program will be made. Your child must attend the program nearest your residence and the program must be available to you and your child at no cost.

State-Operated and State-Supported Schools

State-Operated schools provide services to blind, deaf and severely physically handicapped children beginning at age three. You must initiate such a placement through an application to the Commissioner of Education, supported by adequate written evidence of your child's blind, deaf or severely physically handicapping condition. You will then be directed to the appropriate State school to have your

child evaluated. Upon completion of the evaluation, you will then be notified of the results and recommended appointment. If an appointment is not recommended, you will receive a notice which tells you the reasons your child was not accepted and gives you recommendation for a more appropriate placement or program.

Federally Funded Preschool Programs

Some federally funded preschool programs are available to children who require special education. Some are funded by direct grants from the Federal government; others are funded at the State level through Federal funds.

Head Start Programs

Head Start programs must accept a certain number of children who require special education into their programs. There may be a Head Start program available to your child in your community.

Other Preschool Programs

Many parent organizations and other private or voluntary groups run preschool programs for children who require special education. Funds needed to send your child to many of these programs may be available through the Family Court or other means.

ASSISTANCE

Early Childhood Direction Centers

Early Childhood Direction Centers, coordinated by the New York State Education Department, can assist you in finding out about programs and services available for your preschool-age child with handicapping conditions. If you have a child age birth to five, who may have physical, mental or emotional handicaps and may be in need of special education services, the Early Childhood Direction Center can help you. The locations of the Early Childhood Direction Centers are listed at the back of this guide. Specifically, staff of the Direction Centers provide information about:

- Preschool programs,
- Transportation,
- Medical, educational and social services,
- Evaluation and assessment services,
- Funding,
- Petitioning the Family Court,
- Parent education programs and resources.

Services include:

- Matching the needs of children with available services,
- Referral to agencies providing direct services,
- Assisting in obtaining services,
- Following up to ensure that children receive services.

Special Education Training and Resource Centers (SETRC)

Resources available through the Special Education Training and Resource Centers (SETRC) may provide you with information and assist you in developing skills needed to work more effectively with your young handicapped child at home. These centers conduct parent education sessions for interested parents on a variety of topics. Contact the center nearest you to find out about training sessions and to obtain additional information. The locations of the SETRC's are listed at the back of this handbook.

The Committee on the Handicapped

The Committee on the Handicapped in your school district may also provide information about programs and services that are available to you and your child. Although referrals of preschool handicapped children do not have to be processed by the COH, many Committees are actively involved in directing parents to those people or agencies who can provide programs and services.

PLANNING FOR YOUR CHILD'S FUTURE

As you see your child growing up, you may be concerned about what will happen when your child leaves school. You have an opportunity to express these concerns during the development of both Phase I and Phase II of your child's IEP, and to actively begin to plan for meaningful employment for your child.

The COH is a valuable source of information and assistance to inform you about occupational and/or vocational rehabilitation services. The COH is able to provide an individual assessment of your child's vocational strengths and needs, to bring together appropriate individuals to become involved in your child's vocational program at the earliest possible time, and can make recommendations to assure that your child's vocational program is appropriate. The Committee can also provide you, as parents, with information regarding other services available to your child.

The New York State Education Department is committed to assisting handicapped individuals in obtaining and maintaining employment. It recognizes the need for continuous career education and prevocational training for pupils with handicapping conditions and encourages cooperation among special educators, support personnel, vocational educators and rehabilitation counselors in planning for the pupil's future employment needs. In its efforts to provide pupils with handicapping conditions with a smooth transition from school to work, a variety of services have been made available.

Within the New York State Education Department, the Office of Vocational Rehabilitation (OVR) is responsible for providing assistance to persons with handicapping conditions in obtaining and maintaining meaningful employment. In past years, OVR has assisted these individuals as they left school and began looking for employment. However, experience has shown that early involvement of vocational rehabilitation personnel leads to more effective and successful employment. Therefore, OVR has redirected some of its resources to assist school-age youngsters in developing appropriate skills and in making a smooth transition from school to work.

The Office of Occupational and Continuing Education provides occupational education programs for students at the secondary and postsecondary levels. Accessibility of occupational education programs to pupils with handicapping conditions is a major focus of the Office. Occupational education personnel work closely with special educators and the Committees on the Handicapped to provide a full continuum of vocational programs appropriate to the needs of handicapped students.

Another resource available to you is the State's network of Special Education Training and Resource Centers (SETRC). These Centers are operated by Training Specialists who can provide information on services available in your area. The Centers also offer training programs for parents in a variety of areas. You may contact the Center closest to you for additional information.

SPECIAL EDUCATION TRAINING AND RESOURCE CENTERS (SETRC)

The Office for Education of Children with Handicapping Conditions administers and supports a network of fifty-one State Training Centers. These centers, called Special Education Training and Resource Centers, are located in BOCES, in large city school districts and at one university throughout New York State. They are local contact points for the dissemination of publications and information about training and services available to parents and personnel involved in the education of the handicapped.

The following list is provided for you to identify the Special Education Training and Resource Centers in your area.

Albany-Schenectady-Schoharie BOCES SETRC
Maywood Elementary School
1979 Central Avenue
Albany, NY 12205
(518) 456-9069

Allegany County BOCES SETRC
c/o Learning Diagnostic Center
33 Willetts Avenue
Belmont, NY 14813
(716) 268-7652

Broome-Delaware-Tioga BOCES SETRC
P.O. Box 1450
Upper Glenwood Road
Binghamton, NY 13902
(607) 729-9301 Ext. 362

Buffalo City SETRC
School #75
99 Monroe Street
Buffalo, NY 14206
(716) 856-5595

Cattaraugus-Erie-Wyoming BOCES SETRC
Windfall Road
Olean, NY 14760
(716) 372-8293

Cayuga County BOCES SETRC
234 South Street Road
Auburn, NY 13021
(315) 253-0361 Ext. 52

Chautauqua County BOCES SETRC
9520 Fredonia Stockton Road
Fredonia, NY 14063
(716) 672-4371 Ext. 278

Clinton-Essex-Warren-Washington BOCES SETRC
Box 455
Plattsburgh, NY 12901
(518) 561-0100

Cortland-Madison BOCES SETRC
McEvoy Education Center
Clinton Avenue Extension
Cortland, NY 13045
(607) 753-9301

SUNY at Binghamton SETRC
Delaware-Chenango BOCES Service Area
Vestal Parkway
Binghamton, NY 13901
(607) 798-6681

Dutchess County BOCES SETRC
RD #1, Salt Point Turnpike
Poughkeepsie, NY 12601
(914) 471-9200 Ext. 42

Erie #1 and Erie #2-Cattaraugus BOCES SETRC
4071 Hardt Road
Eden, NY 14057
(716) 992-3413

Franklin-Essex-Hamilton BOCES SETRC
Box 28
North Franklin Education Center
Malone, NY 12953
(518) 483-1390

Genesee-Wyoming BOCES SETRC
8250 State Street Road
Batavia, NY 14020
(716) 343-1400

Greene-Delaware-Schoharie-Otsego BOCES SETRC
Rexmere Park
Stamford, NY 12167
(607) 652-7531

Hamilton-Fulton-Montgomery BOCES SETRC
FMCC Route 67
Johnstown, NY 12095
(518) 762-7754

Herkimer-Fulton-Hamilton-Otsego BOCES SETRC
Gros Boulevard
Herkimer, NY 13350
(315) 866-6040

Jefferson-Lewis-Hamilton-Herkimer-Oneida BOCES SETRC
Case Junior High School - Room 117
Washington Street
Watertown, NY 13601
(315) 782-9929

Livingston-Steuben-Wyoming BOCES SETRC
Holcomb School
Geneseo, NY 14454
(716) 243-5470

Madison-Oneida BOCES SETRC
Spring Road
Verona, NY 13478
(315) 363-8000

Monroe #1 BOCES SETRC
705 Plank Road
Penfield, NY 14526
(716) 671-8614

Monroe #2 Orleans BOCES SETRC
3599 Big Ridge Road
Spencerport, NY 14559
(716) 352-2443

Nassau County BOCES SETRC
Rosemary Kennedy Center
2850 North Jerusalem Road
Wantagh, New York 11793
(516) 781-4044 Ext. 270

New York City SETRC's:

New York City SETRC
400 First Avenue - 7th Floor
New York, NY 10010
(212) 686-6120

4011 Monticello Avenue
P.S. 68
Bronx, NY 10466
(212) 325-7231

990 DeKalb Avenue
Brooklyn, NY 11221
(212) 443-6083

Edward R. Murrow High School
1600 Avenue L
Brooklyn, NY 11230
(212) 258-0188

Kissena School
65-11 155th Street
Flushing, NY 11367
(212) 359-7107

Occupational Training Center
155 Thompkins Avenue
Staten Island, NY 10301
(212) 273-7800

Oneida-Madison-Herkimer BOCES SETRC
Box 70 - Middle Settlement Road
New Hartford, NY 13413
(315) 792-4605, 792-4614

Onondaga-Madison BOCES SETRC
6820 Thompson Road
Syracuse, NY 13211
(315) 437-0248

Ontario-Seneca-Yates-Cayuga-Wayne BOCES SETRC
Finger Lakes Educational Center
3501 County Route 20
Stanley, NY 14561
(716) 526-6042

Orange-Ulster BOCES SETRC
Gibson Road
Goshen, NY 10924
(914) 294-5431

Orleans-Niagara BOCES SETRC
4124 Saunders Settlement Road
Sanborn, NY 14132
(716) 731-4145 Ext. 33

Oswego BOCES SETRC
P.O. Box 488 County Route 64
Mexico, NY 13114
(315) 963-3094

Rensselaer-Columbia-Greene
BOCES SETRC
1562 Columbia Turnpike,
Castleton, NY 12033
(518) 477-8741

City of Rochester SETRC
Central Administrative Offices
131 Broad Street West
Rochester, NY 14608
(716) 325-4560 Ext. 2710

Rockland County BOCES SETRC
61 Parrott Road
West Nyack, NY 10994
(914) 623-3828 Ext. 266

St. Lawrence BOCES SETRC
Potsdam C.S. Red Annex
Leroy Street
Potsdam, NY 13676
(315) 265-8116

Saratoga-Warren BOCES SETRC
Meyers Education Center
Henning Road
Saratoga Springs, NY 12866
(518) 584- 3239

Schuyler-Chemung-Tioga BOCES SETRC
431 Philo Road
Elmira, NY 14903
(607) 739-3581 Ext. 223

Steuben-Allegany BOCES SETRC
6666 Babcock Hollow Road
Bath, NY 14810

(Mailing Address:
Wildwood Campus-Bldg. #3
North Main Street Ext.
Hornell, NY 14843)
(607) 324-5893

Suffolk #2 BOCES SETRC
Greene Avenue School
Greene Avenue
Sayville, NY 11782
(516) 567-1121

Sullivan BOCES SETRC
Ferndale Loomis Road
Box 391
Liberty, NY 12754
(914) 292-7500

Syracuse City SETRC
Percy Hughes School
345 Jamesville Avenue
Syracuse, NY 13210
(315) 425-4685

Tompkins-Seneca-Tioga BOCES SETRC
555 South Warren Road
Ithaca, NY 14850
(607) 257-1551 Ext. 276

Ulster County BOCES SETRC
175 Route 32 North
New Paltz, NY 12561
(914) 255-1402

Washington-Warren-Hamilton-Essex
BOCES SETRC
Special Education Building
Dix Avenue
Hudson Falls, NY 12839
(518) 793-7721 Ext. 219

Westchester-Putnam BOCES #1 SETRC
Pinesbridge Road
Yorktown Heights, NY 10598
(914) 245-1050 Ext. 245

Westchester BOCES #2 SETRC
Learning Resource Center
Concord Road
Ardsley, NY 10502
(914) 693-7576

Yonkers City SETRC
School #32 Dexter Road
Yonkers, NY 10701
(914) 963-0592

Coordinating Office:

New York State Education Department
Office for Education of Children with
Handicapping Conditions
Division of Development Support Services
Bureau of Program Development
Albany, NY 12234
(518) 474-8917 or 2251

EARLY CHILDHOOD DIRECTION CENTERS

The Early Childhood Direction Centers, coordinated by the New York State Education Department, are resources for parents of preschool-age children with handicapping conditions. They provide information about special education programs and help parents obtain services for their children.

The following list is provided for you to identify the Early Childhood Direction Centers in your area.

Early Childhood Direction Center
c/o Cantalician Learning Center
3233 Main Street
Buffalo, NY 14214
(716) 833-3127
1-800-462-7653

Regional Early Childhood
Direction Center
264 Village Landing
Fairport, NY 14450
or
University of Rochester
Strong Memorial Hospital
601 Elmwood Avenue
Rochester, NY 14642
1-800-462-4344 or
(716) 223-6220

Early Childhood Direction Center
Center of Human Policy
Division of Special Education
and Rehabilitation
Syracuse University
216 Ostrom Avenue
Syracuse, NY 13210
(315) 423-4444
or
(315) 423-3851

Early Childhood Direction Center
of the Capital Region
Albany-Schenectady-Schoharie
BOCES
Maywood Elementary School
1979 Central Avenue
Albany, NY 12205
1-800-342-1216
or
(518) 456-9071

Early Childhood Direction Center
Franklin-Essex-Hamilton
BOCES
Box 28
West Main Street Road
Malone, NY 12953
(518) 483-6523

Early Childhood Direction Center
Broome-Delaware-Tioga BOCES
Golden Street
Kirkwood, NY 13795
(607) 775-5188

Early Childhood Direction Center
79-83 East Chester Street
Kingston, NY 12401
1-800-942-6902
or
(914) 338-6755

Early Childhood Direction Center
St. Agnes Hospital
305 North Street
White Plains, NY 10605
(914) 682-3507

Early Childhood Direction Center
Pre-Schooler's Workshop
Direction Center
47 Humphrey Drive
Syosset, NY 11791
(516) 364-8580

Early Childhood Direction Center
Suffolk Child Development Center
Hollywood Drive
Smithtown, NY 11787
(516) 724-2402
or
(516) 724-1717

Early Childhood Direction Center
United Cerebral Palsy of Queens
82-25 164th Street
Jamaica, NY 11432
(212) 380-3000 Ext. 265

Early Childhood Direction Center
NICU Jewish Hospital
and Medical Center of Brooklyn
555 Prospect Place
Brooklyn, NY 11208
(212) 240-1894

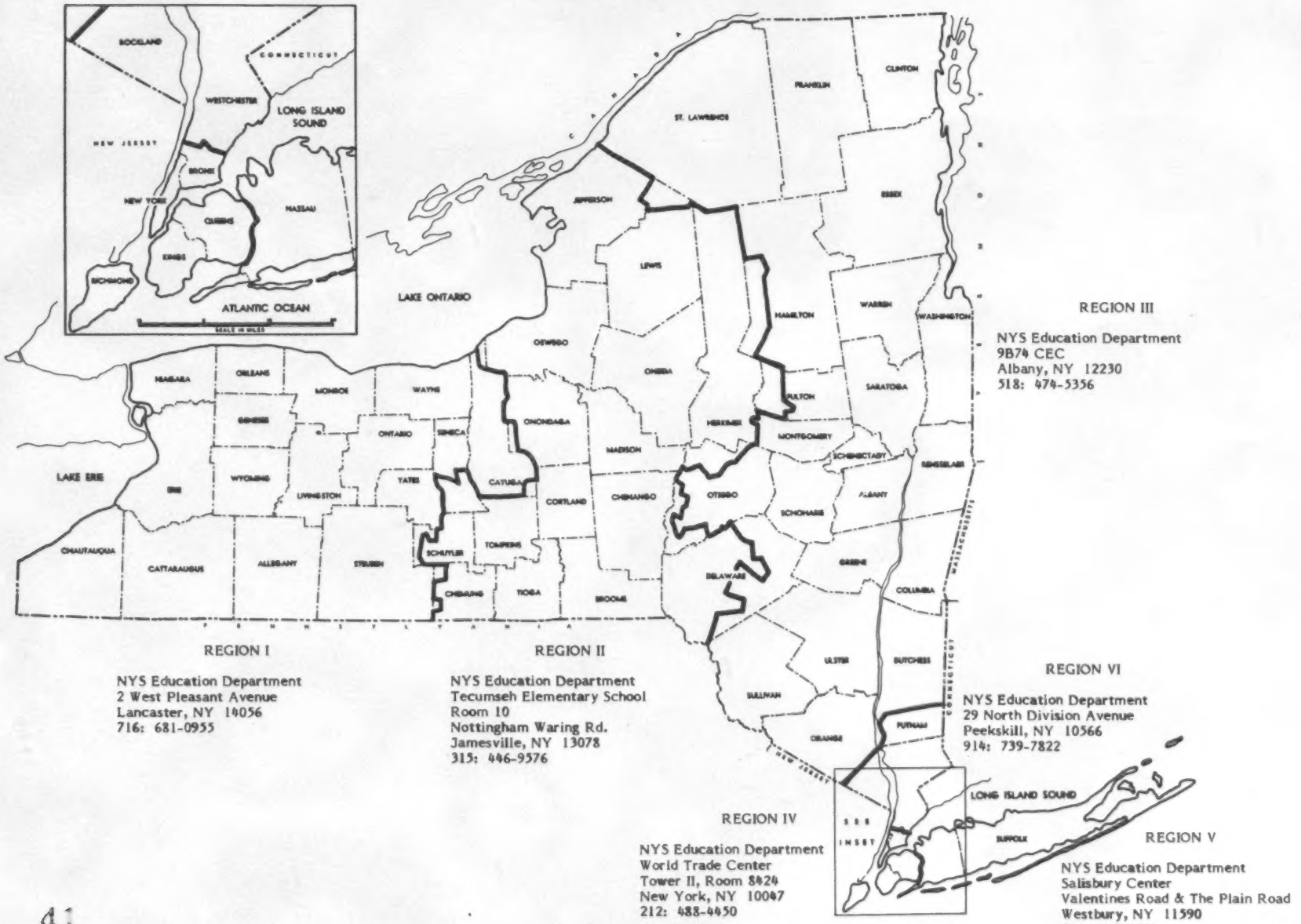
Early Childhood Direction Center
New York Hospital
525 East 68th Street
New York, NY 10021
(212) 472-6874

Coordinating Office:

New York State Education Department
Office for Education of Children with
Handicapping Conditions
Division of Development Support Services
Bureau of Program Development
Albany, NY 12234
(518) 474-5804

81-7062

OECHC REGIONAL OFFICES AND AREAS SERVED



REGION I

NYS Education Department
2 West Pleasant Avenue
Lancaster, NY 14056
716: 681-0955

REGION II

NYS Education Department
Tecumseh Elementary School
Room 10
Nottingham Waring Rd.
Jamesville, NY 13078
315: 446-9576

REGION III

NYS Education Department
9B74 CEC
Albany, NY 12230
518: 474-5356

REGION IV

NYS Education Department
World Trade Center
Tower II, Room 8424
New York, NY 10047
212: 488-4450

REGION V

NYS Education Department
Salisbury Center
Valentines Road & The Plain Road
Westbury, NY 11590
516: 997-8700

REGION VI

NYS Education Department
29 North Division Avenue
Peekskill, NY 10566
914: 739-7822